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9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN JOSE DIVISION

12 UNITED STATES OF AMERICA,   ) CASE NO. CR 13-71051 HRL  
13 Plaintiff,   ) )  
14 v.   ) STIPULATION AND [PROPOSED] ORDER  
15 CASEY RILAND,   ) )  
16 Defendant.   ) )  
17 \_\_\_\_\_) )

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20 With the agreement of the parties, and with the consent of the defendant, the Court enters this  
21 Order vacating the currently scheduled arraignment or preliminary hearing date of October 9, 2013, at  
22 8:30 a.m. to October 10, 2013, at 1:30 p.m., and further serves to document the defendant's waiver of the  
23 preliminary hearing date under Federal Rule of Criminal Procedure 5 and the exclusion of time under  
24 the Speedy Trial Act, 18 U.S.C. § 3161, from September 6, 2013, up to and including October 10, 2013.

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STIPULATION AND [PROPOSED] ORDER  
CR 13-71051 HRL

1 The parties agree, and the Court finds and holds, as follows:

2       1. The defendant is out of custody on an unsecured bond.

3       2. Government counsel currently assigned to this matter will be leaving the San Jose U.S.

4 Attorney's Office shortly and the matter will be reassigned to another attorney who is currently  
5 unfamiliar with the facts of the case. Accordingly, excluding the requested time period from the thirty-  
6 day time period by which an information or indictment must be filed under 18 U.S.C. § 3161(b) will  
7 provide the newly-assigned attorney for the government with the reasonable time necessary to review  
8 the discovery and determine the appropriate charges to file in this case.

9       3. The defendant agrees to an exclusion of time under the Speedy Trial Act based upon  
10 the need for counsel to consult with the defendant and review discovery in order to effectively prepare in  
11 the context of attempting to negotiate any terms relevant to the disposition of this matter prior to  
12 indictment.

13       3. Counsel for the defendant believes that postponing the preliminary hearing is in her client's  
14 best interest, and that it is not prejudicial for the defendant to provide the United States with additional  
15 time to indict the case.

16       4. The Court finds that, taking into the account the public interest in the prompt disposition of  
17 criminal cases, these grounds are good cause for extending the time limits for a preliminary hearing  
18 under Federal Rule of Criminal Procedure.

19       5. Given these circumstances, the Court finds that the ends of justice served by excluding the  
20 period from September 6, 2013, up to and including October 10, 2013, outweigh the best interest of the  
21 public and the defendant in a speedy trial and ensure effective preparation of counsel. 18 U.S.C. §  
22 3161(b), (h)(7)(A) and (B).

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6. Accordingly, and with the consent of the defendant, the Court (1) resets a preliminary hearing date of October 10, 2013 before this Court at 1:30 p.m.; and (2) orders that the period from September 6, 2013 up to and including October 10, 2013 be excluded from the time for preliminary hearings under Rule 5 of Federal Rules of Criminal Procedure as well as the Speedy Trial Act calculations under 18 U.S.C. § 3161(b), (h)(7)(A) and (B)(iv).

**STIPULATED:**

DATED: October 2, 2013

/s/

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HEATHER M. ANGOVE  
Assistant Federal Public Defender  
Attorney for Defendant CASEY RILAND

DATED: October 2, 2013

/s/

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MEREDITH J. EDWARDS  
Special Assistant United States Attorney

IT IS SO ORDERED.

DATED: October 2, 2013

  
HONORABLE PAUL S. GREWAL  
United States Magistrate Judge